

Robert B. Wilson

Chapter 13 Trustee

6308 Iola Avenue, Suite 100 Lubbock, TX 79424

(806) 748-1980 Phone (806) 748-1956 Fax

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

KARL ANTHONY FERNANDES

CASE NO. 14-20291-RLJ-13

AKA1:

AKA2:

DBA1:

DBA2:

SS#1: xxx-xx- 7605

SS#2:

**REPORT OF 341 MEETING**

**I. 341 MEETING REPORT:**

A. Orig. Date: 9/29/2014 Orig. Time: 11:00 AM Reset Date: Reset Time:  
B. Meeting Results: Adjourned  
C. Debtor(s): Debtor 1 Appeared  
D. Attorney for Debtor(s): Appeared  
E. Creditor Appearance: Ruben Hancock for Sante Fe FCU  
F. Amount Paid to the Trustee as of 9/29/2014 \$0.00 First Payment Due Date: 10/1/2014  
G. File Trustee's Motion to Dismiss because  
H. B22C Information: B22C Form is: Complete  
Budgeted Income: \$5,556.30 Expense: \$4,878.50 Surplus: \$677.80  
Plan Payment: \$357.00 Monthly Plan Term(Months): 60  
I. Value of Non-Exempt Property: \$0.00 Proposed Amount to Unsecured Creditors: \$0.00  
Objection to Exemption of:  
Repeat Filing (If case dismissed, it should be with prejudice) Previous Case Numbers:  
Object to Invoke Stay Pleading  
Case Converted from Chapter 7, Bar Date Set: 12/29/2014 Date Converted from Chapter 7:  
J. Required Information: Expired commercial license, DSO incomplete, Mr's 6/15/14 stub; Mrs' 6/6/14 & 8/29/14 stu  
K. Business Information: Insurance on 2012 Artic Cat ATV's -- TRV550 & XC450I  
L. Object to Confirmation: Yes

Plan provides \$0 value for RCAD's \$1,498.53 secured 2011-14 tax claim  
Plan fails to provide for PCAD's \$897.65 secured 2012-14 tax claim  
Plan fails to provide for child support arrears  
Feasibility until all claims are properly treated  
Trustee requests \$100 step payment to begin \_\_\_/\_\_\_  
Sch I Mr's income deductions should be \$4,102 not \$4885  
Sch I Mrs' income should be \$2,972 not \$2,485 & deductions \$469 not \$395  
Sch J lists excessive expenses  
Sch J net \$677, but plan payment \$357  
Failure to include all disposable income

M. Financial Management Class: Debtor 1 Appeared

N. Eligibility:

Certificate of Credit Counseling Filed: Debtor 1 Only

Credit Counseling Provider Approved: Yes

Debt Limits Exceeded (Secured-\$1,081,400; Unsecured-\$360,475): No

O. Domestic Support Obligation: \$1,678.00 Current: Yes Arrears: \$0.00

Affidavit and Disclosure of Domestic Support Obligations Received: Yes

P. Remarks: MTD

-Expired commercial license  
He will not be renewing the commercial driver license.  
-DSO incomplete  
-Mr's 6/15/14 stub; Mrs' 6/6/14 & 8/29/14 stub

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-Insurance on 2012 Artic Cat ATV's -- TRV550 & XC450I

Questions

-DSO

-Amy Martin -- complete address

-Chrystal Dawn Jackson -- incomplete address

Paid in full per letter from AG \$633

-Lisa Hall -- incomplete address

-Plan provides \$0 value for RCAD's \$1,498.53 secured 2011-14 tax claim

-Plan fails to provide for PCAD's \$897.65 secured 2012-14 tax claim

-Plan fails to provide for child support arrears

-Mr's stubs indicate he is paying child support arrears direct, why not in plan?

-Feasibility until all claims are properly treated

-Acknowledge 100% to allowed unsecured claims as proposed to cure disposable income objections

-Trustee requests \$100 step payment to begin \_\_\_/\_\_\_

-When will \$102.92 401k loan be completed?

-Sch I Mr's income deductions should be \$4,102 not \$4885

-Child support arrears should be listed on plan and paid as priority claim.

-Sch I Mrs' income should be \$2,972 not \$2,485 & deductions \$469 not \$395

-\$414 difference based on 8/15/14 YTD/15x26/12

-Sch J lists excessive expenses

-Nat'l Std 4, 2, & 2 \$4,693 -- Adj Nat'l Std \$4,693 -- Adjusted by \$0

-Sch J \$4,878 & debt in plan \$118 totals \$4,996 or \$303 above Adj Nat'l Std

-\$150 entertainment, \$436 insurance, \$2,361.78 Access FCU, \$231 land payment

-Sch J net \$677, but plan payment \$357

-Failure to include all disposable income

Dated: 9/29/2014

/s/ Robert B. Wilson

Standing Bankruptcy Trustee

By: Brent Hagan

Case Number:	14-20291
Debtor:	Fernandes
Attorney:	Swindell
Presiding Officer:	Brent Hagan
Calculation Date:	9/23/2014 15:38

Domestic Support <b>Input name from Plan</b>	Arrears Enter amount from Plan	Int. Rate Enter from Plan	Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00

Secured Creditor/Collateral <b>Input name from Plan</b>	Value/Claim Amount Enter amount from Plan	Int. Rate Enter from Plan	Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
RCAD -- \$0 value?	\$1,498.53	12.00%	60	\$33.33	\$2,000.04
PCAD -- \$897.65 not provided for	\$0.00	12.00%	60	\$0.00	\$0.00
Praire West	\$3,800.00	0.00%	60	\$63.33	\$3,800.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00

Priority Creditor <b>Input name from Plan</b>	Value/Claim Amount Enter amount from Plan		Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
IRS	\$1,228.60		60	\$20.48	\$1,228.60
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00

Attorney Fees <b>Paid Through the Plan</b>	\$2,900.00				\$2,900.00
Noticing Fees	\$63.36				\$63.36
Clerk Filing Fees	\$0.00				\$0.00

Hardacre Minimum	\$0.00	<div> <div>&lt;-----</div> <div>Greater Of -----&gt;</div> <div>&lt;-----</div> </div>	
Chapter 7 Minimum (Gross)	\$0.00		
Less Trustee Fees	\$0.00		
Less Attorney Fees	\$2,900.00		
Less Noticing Fees	\$63.36		\$0.00
Less Clerk Filing Fees	\$0.00		
Less Scheduled Priority Claims	\$1,228.60		
Less Other (Explain Below)	\$0.00		
Chapter 7 Minimum (Net)	\$0.00		

Total Scheduled General Unsecured Claims (Limits Greater of Hardacre or Chapter 7 Minimum)	\$8,967.71
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Calculated Base (Admin, Secured, Priority, DSO, Lower of Minimum or Sched U/S & Trustee Fee)	\$11,095.18
Debtor Plan Base (Monthly Payment X Term)	\$21,420.00
Surplus (Debtor Plan Base - Calculated Base)	\$10,324.82

Comments: